

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES LEE RANDOLPH,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:08-cv-00650-LRH-CLB

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 113)**

In this capital habeas corpus action, the Federal Public Defender for the District of Idaho (FPD) was appointed to represent the petitioner, Charles Lee Randolph, on October 15, 2019 (ECF No. 67). The FPD has since then been investigating the case and preparing a second amended habeas petition. That process has been delayed by several developments, most notably the COVID-19 pandemic and proceedings by which Randolph obtained, from the respondents, certain materials related to the case. Randolph is currently scheduled to file his second amended petition by March 28, 2023. See Order entered April 1, 2022 (ECF No. 106) (resolving the matter of Respondents' provision of materials related to this case to Randolph and giving Randolph 180 days to file second amended petition); ECF No. 112 (granting 181-day extension).

On March 2, 2023, Randolph filed a motion for extension of time (ECF No. 113), requesting a further extension of 45 days, to May 12, 2023, to file his second amended petition. Randolph's counsel states that this extension of time is necessary primarily because of their obligations in another capital case, in which a death warrant was recently filed and an execution date has been set for March 23, 2023.

1 The Court finds that Randolph's motion for extension of time is made in good
2 faith and not solely for the purpose of delay and that there is good cause for the
3 requested extension of time. The Court will grant this extension of time.

4 The Court notes that Randolph's counsel refers to this as the "fifth and final"
5 extension of this deadline. Motion for Extension of Time (ECF No. 113), p. 4.

6 **IT IS THEREFORE ORDERED** that Petitioner's motion for extension of time
7 (ECF No. 113) is **GRANTED**. Petitioner will have until and including **May 12, 2023**, to
8 file his second amended habeas petition. In all other respects, the schedule for further
9 proceedings set forth in the order entered September 11, 2017 (ECF No. 36) will remain
10 in effect.

11 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
12 25(d), William Gittere is substituted for William Reubart as the respondent warden. The
13 Clerk of the Court is directed to update the docket to reflect this change.

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15 DATED THIS 3rd day of March, 2023.

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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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